

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED  
April 04, 2024  
LAURA A. AUSTIN, CLERK  
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RICHARD J. KOONCE, III,	)	
	)	Civil Action No. 7:23cv00627
Plaintiff,	)	
	)	
v.	)	<b><u>MEMORANDUM OPINION</u></b>
	)	
DEIDRE LOWE, <i>et al.</i> ,	)	By: Hon. Thomas T. Cullen
	)	United States District Judge
Defendants.	)	

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Plaintiff Richard J. Koonce, III, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. On January 22, 2024, the defendants filed a motion for summary judgment, and on January 23, 2024, the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005). (*See* ECF Nos. 21 & 23.) The *Roseboro* notice gave Koonce 21 days to file a response to the motion for summary judgment and advised him that, if he did not respond to the defendants' motion, the court would "assume that [he] has lost interest in the case, and/or that [he] agrees with what the Defendant[s] state[] in their responsive pleading[]." (ECF No. 23.) The notice further advised Koonce that, if he wished to continue with the case, it was "necessary that [he] respond in an appropriate fashion," and that if he failed to file a response to the motion within the time allotted, the court "may dismiss the case for failure to prosecute." (*Id.*)

To date, Koonce has not responded to the defendants' motion and, therefore, the court will dismiss this action without prejudice for failure to prosecute.

The Clerk shall send copies of this Memorandum Opinion and the accompanying Order to the parties.

**ENTERED** this 4th day of April, 2024.

/s/ Thomas T. Cullen  
HON. THOMAS T. CULLEN  
UNITED STATES DISTRICT JUDGE